

MEMORANDUM

DATE: January 10, 2003
TO: City Clerks
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: 2003 CITY ELECTIONS

This memo highlights a number of important points you will need to know to successfully administer any upcoming municipal elections you may have this year. We ask your cooperation in reviewing the following information with those responsible for the tasks and duties involved.

Recent Changes and Highlighted Administrative Issues

Petition form revisions: As detailed in a memo forwarded to your attention on December 13, 2002, a recent amendment to Michigan election law (PA 431 of 2002) makes several minor wording changes in the nominating petition forms, qualifying petition forms, county/local proposal petition forms and recall petition forms prescribed under the law. Most significantly, the amendment revises the "Post Office" column in the body of the petition forms and the "Post Office" entry in the circulator's certificate which appears on the forms to read "Zip Code." The commercial suppliers who market election forms in Michigan have been notified of the petition form changes. The revised petition forms will be available for purchase through the suppliers early this year.

New signature validity standard: The amendment which changed the "Post Office" entries on all petition forms to "Zip Code" entries further specifies that a signer's or a circulator's failure to 1.) enter a Zip Code or 2.) enter a correct Zip Code does *not* affect the validity of the signer's or the circulator's signature. Given this change, no consideration should be given to the Zip Code entries (or, until the revised forms are available, the Post Office entries) on petition forms when reviewing petitions for validity.

Campaign Finance Compliance Statement required on Affidavit of Identity form: Public Act 217 of 1999 requires any candidate filing an Affidavit of Identity to state on the form that at the date the affidavit was executed, "all statements, reports, late filing fees and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan Campaign Finance Act ... have been filed or paid." A "Supplementary Affidavit of Identity" form which incorporates the campaign finance compliance statement is attached. (The standard Affidavit of Identity form has been revised to include the statement.) Do not fail to distribute the Supplementary Affidavit of Identity form to any candidate who files an Affidavit of Identity which does not contain the campaign finance compliance statement. A candidate who fails to submit the Supplementary Affidavit of Identity by the filing deadline (or an Affidavit of Identity which has been revised to include the campaign finance compliance statement) *is ineligible to appear on the ballot.*

Post-Election Campaign Finance Compliance Statement required of elected candidates: Public Act 217 of 1999 requires any candidate elected to office on the state, county or local level to file an affidavit *prior to assuming office* which states that at the date the affidavit was executed "all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan Campaign

Finance Act ... have been filed or paid.” The affidavit is *not* required of an elected candidate who 1.) is exempt from the filing requirements of Michigan’s Campaign Finance Act 2.) did not receive or expend more than \$1,000.00 during the election cycle or 3.) is elected to an office which is *not* certified on the county or state level. Elected city officials who are subject to the new requirement must submit the required campaign finance compliance statement to the county clerk; city clerks are *not* responsible for receiving the statements. A form developed for distribution to elected candidates who must comply with the filing requirement is attached (“Post-Election Campaign Finance Compliance Statement”). An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by “a fine of up to \$500.00 or imprisonment for up to 93 days, or both.”

New petition signature requirements: PA 218 of 1999 created new “population based” petition signature requirements for all candidates on the city level who seek a partisan office without political party affiliation. The “population based” petition signature requirements also apply to candidates who seek nonpartisan city offices if the nonpartisan signature requirement is not stated in the city’s charter. (The “population based” petition signature requirements do *not* apply to partisan candidates who seek partisan city offices as the signature requirements imposed on such candidates are set by city charter.)

PA 160 of 2002 amended MCL 397.211 to 1.) modify the signature requirements imposed on candidates who seek a city, township or village library board position and 2.) permit candidates who seek a city, township or village library board position the option of filing a \$100.00 nonrefundable fee in lieu of a petition. The new filing requirements, listed below, go into effect on *January 1, 2003*:

- ***Cities, townships and villages with less than 10,000 in population:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- ***Cities, townships and villages with 10,000 or more in population:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.

A chart which details the petition signature requirements imposed under the law is attached for further reference (see “Petition Signature Requirement Chart”).

Use of Qualified Voter File for Administration of City Elections Required

The Qualified Voter File (QVF) is the official record of the registered voters in the state and as such, must be used to conduct all elections administered on the city/township, village and school level. Any questions you may have regarding the use of the QVF to administer elections should be directed to Bureau of Elections’ QVF Help Desk. Phone: 1-800-310-5697.

Placement of Partisan and Nonpartisan Candidates on Ballot

PRIMARY BALLOT: The Republican Party and the Democratic Party are qualified to appear on the primary ballot (if your city conducts partisan primaries). A candidate affiliated with the Republican Party or the Democratic Party who wishes to seek a partisan office nominated at the primary is required to submit the required number of valid signatures on partisan nominating petitions. A candidate who wishes to seek a nonpartisan office nominated at the primary is required to submit the required number of valid signatures on nonpartisan nominating petitions.

GENERAL ELECTION BALLOT: The following political parties are qualified to appear on the general election ballot (if your city conducts partisan general elections): Republican Party, Democratic Party, Libertarian Party, Green Party, U.S. Taxpayers Party, Reform Party and Natural Law Party. Libertarian Party, Green Party, U.S. Taxpayers Party, Reform Party and Natural Law Party candidates must receive nomination at a party convention or caucus in order to be placed on the general election ballot.

Placement of Candidates Without Political Party Affiliation on Ballot

PRIMARY BALLOT: A candidate without political party affiliation who seeks a partisan office (“independent candidate”) cannot appear on the primary ballot (if your city conducts partisan primaries). Such candidates can only be placed on the general election ballot.

GENERAL ELECTION BALLOT: A person not affiliated with a political party can seek a partisan city office by filing a qualifying petition with the city clerk. When a person files a qualifying petition for a partisan office, it means that the person is seeking the office involved with no party affiliation. Therefore, candidates without political party affiliation must be identified under the following heading: “NO PARTY AFFILIATION.” Candidates without political party affiliation cannot choose a party name.

NUMBER OF SIGNATURES REQUIRED ON QUALIFYING PETITIONS: The number of signatures required on qualifying petitions filed by candidates who seek office in your city can be determined by referring to the attached “Petition Signature Requirement Chart.” To use the chart, you must first determine the population of the office district according to the most recent federal census figures. After you have determined the population figure, locate the population bracket which covers the office district and reference the signature requirements in the “qualifying petition” column.

Michigan election law specifies that a person who files a qualifying petition cannot appear on the ballot as a partisan candidate for any office for the remainder of the calendar year. The law further specifies that a person who files a partisan nominating petition or filing fee as a candidate of a political party or who is nominated by a political party convention, committee, or caucus and accepts the nomination cannot file a qualifying petition for the remainder of the calendar year.

Preparing for the Election

Careful planning is essential to the conduct of trouble-free elections. If problems have occurred in the past, corrective action should be taken now to ensure that the problems are not repeated.

- All ballot containers used to conduct city elections must be approved by the Board of County Canvassers. An approval sticker with an expiration date is affixed to all ballot containers approved for use. The inspections are routinely carried out every four years. As 2002 was an inspection year, your ballot containers should carry an approval sticker which expires on May 31, 2006. If you have ballot containers which have not been approved for use through May 31, 2006, contact your county clerk as such containers cannot be used until approval has been obtained. A ballot bag which is capable of being sealed is needed for each ballot container used to store paper ballots.
- A "Close of Registration" notice must be published twice in separate editions of a newspaper of general circulation in the city. The first publication of the notice must appear no later than the tenth day prior to the close of registration; the second publication must appear prior to the deadline for registering to vote for the election.
- A "Notice of Election" must be published twice in separate editions of a newspaper of general circulation in the city. The first publication of the notice must appear no later than the tenth day prior to the date of the election; the second publication must appear before the date of the election. It is also recommended that a notice be published on how and where an elector may obtain an absent voter ballot for the election.
- At least three election inspectors must be appointed to serve in each precinct; additional inspectors must be appointed if needed to properly conduct the election. A list of alternate inspectors should be established to handle election day emergencies. At least one election inspector who has declared an affiliation with the Republican Party and one election inspector who has declared an affiliation with the Democratic Party must be appointed to each precinct board; each board must be as politically balanced as possible.
- Each appointed election inspector must be a qualified, registered elector who resides within the county. In addition, an election inspector must have attended a training session within the last two years for the type of voting system which will be used to conduct the election. It merits note that 16 or 17 year olds may be appointed as election inspectors under certain stipulated conditions. Complete information on this allowance is available through the Michigan Department of State's Bureau of Elections upon request.
- Be sure your precinct inspectors know the proper way to seal the ballot storage containers used in your district. The use of a "U" shaped sealing adapter assures proper sealing. Sealing adapters are available through this office and commercial vendors who handle election supplies.

- All candidates submitting a petition for a city office must submit two “Affidavit of Identity” forms when filing. One copy of the form must be forwarded to the county clerk. *A candidate who fails to submit an Affidavit of Identity when filing for office is ineligible to appear on the ballot.* The Affidavit of Identity requirement is provided under Michigan election law, MCL 168.558.

It is important to note that PA 137 of 1997 amended Michigan election law to add two new statements to the Affidavit of Identity form: 1.) a statement that the candidate is a citizen of the United States and 2.) a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both. Any Affidavit of Identity forms which you have on hand which do not incorporate the two statements referenced above are obsolete and should be destroyed.

It merits further note that any candidate filing an Affidavit of Identity is required to state on the form that at the date the affidavit was executed, he or she was in full compliance with Michigan’s Campaign Finance Act. A “Supplementary Affidavit of Identity” form developed for distribution to candidates who are required to attest to the campaign finance compliance statement is attached. Do not fail to distribute the Supplementary Affidavit of Identity form to any candidate who files an Affidavit of Identity which does not contain the campaign finance compliance statement.

Election Day

On election day, the election inspectors appointed to administer the polls must be prepared to observe all governing state laws when issuing ballots to the voters who wish to participate in the election. Preparations must also be put in place to handle the special informational requests of candidates and interest groups involved in the election.

- Throughout election day interest groups may want access to the poll book to determine who has voted. While an interest group has no automatic right to this information on election day, the election official in charge is free to honor the request by 1.) periodically making a photocopy of the poll book pages and posting them for review or 2.) providing photocopies of the poll book pages to those seeking the information. If either method is used, the poll book must be copied *in the precinct*; there is no authority to remove the poll book from the precinct during election day. An alternative to photocopying the poll book is to create a carbon copy which can then be made available to all interested persons. Election officials have also responded to the request for election day voter information by using a carbonized Application to Vote. If this method is used, the Application to Vote carbons *cannot* be removed from the polling place; displaying the carbons on a table which is equally accessible to all interested persons is the best approach. If carbonized Application to Vote forms are used, they must be purchased by the city; such forms cannot be purchased by outside interests. Regardless of what approach is adopted to satisfy such requests, it is essential that no individual or group receives earlier or greater access to election day voter information as

equal treatment of competing interests is critical to the integrity of the elections process.

- All campaigning on election day must be at least 100 feet from any doorway used by voters to enter the building in which the polling place is located.
- Michigan election law stipulates that “a person shall not post, display, or distribute in a polling place, in any hallway used by voters to enter or exit a polling place, or within 100 feet of an entrance to a building in which a polling place is located any material that directly or indirectly makes reference to an election, a candidate, or a ballot question.” *This includes materials developed to inform voters on the “pros” and “cons” of ballot proposals.* The prohibition does *not* apply to official materials that are required by law to be posted, displayed, or distributed in a polling place on election day. A person who violates the prohibition is guilty of a misdemeanor.
- The polls must remain open until 8:00 p.m. All voters in line at 8:00 p.m. must be allowed to vote.
- Following the close of the polls, the precinct must remain open to the public. Persons interested in observing the tally must be allowed a clear view of the process. A specific “public area” should be designated for this purpose to avoid observers crowding the tally area or otherwise disrupting the tallying process.
- Voting equipment, ballots and other election materials must be properly secured at the end of election day. As ballots not properly secured cannot be recounted, election inspectors must thoroughly understand how to perform this task and record the necessary seal numbers.

Important Reminders

Write-in candidates: Michigan election law requires a candidate who wishes to seek an office with write-in votes to file a “Declaration of Intent” with the filing official for the office no later than 4:00 p.m. on the Friday immediately preceding the election. Write-in votes cast for a candidate who has not filed a Declaration of Intent *do not count*. The Declaration of Intent requirement is waived if a candidate appearing on the ballot for the office involved dies or is otherwise disqualified on or after the Wednesday immediately preceding the election. In such instances, *all* write-in votes cast for the office must be counted including any write-in votes cast for candidates who have not filed a Declaration of Intent.

Write-in votes which do not count due to the candidate’s failure to file a Declaration of Intent should *not* be considered when determining whether an “over vote” has occurred on paper, punch card or optical scan ballots.

With the Declaration of Intent filing requirement, all city clerks are advised to 1.) stock Declaration of Intent forms for distribution to write-in candidates 2.) advise prospective write-in candidates of the new requirement 3.) notify appropriate election inspectors and canvassing

boards of Declaration of Intent filings and 4.) train all election inspectors on determining the validity of write-in votes in view of the requirement. (Reference to the Declaration of Intent requirement in the election notices published in advance of the election is recommended.)

To maintain the integrity of the elections process, it is important to instruct your election inspectors to advise any voters appearing in the polls who ask for information on the candidates who filed a Declaration of Intent to contact your office for such information. Do *not* authorize the election inspectors to offer the names of such candidates when questioned on this matter. Similarly, do *not* post the names of the write-in candidates in the polls on election day.

Use of public funds for political purposes prohibited: Michigan's Campaign Finance Act stipulates that a "public body" and individuals acting for public bodies are prohibited from using or authorizing the use of "funds, personnel, office space, property, stationery, postage, vehicles, equipment, supplies, or other public resources" to support or oppose a candidate or the qualification, passage or defeat of a ballot proposal. The law stipulates that an individual who violates the prohibition is guilty of a misdemeanor punishable by a fine of "not more than \$1,000.00 or imprisonment for not more than 1 year, or both"; if the offender is not an individual, the law imposes a fine of "not more than \$20,000.00" or, if a greater amount, a fine "equal to the amount of the improper contribution or expenditure."

"Safety Net" provided for voters: Every voter who registers to vote prior to the "close of registration" for the election must be extended a full opportunity to participate in the election despite the occurrence of an administrative error or delay in the processing of his or her voter registration application.

An elector whose voter registration record cannot be located on election day can vote if he or she presents a voter registration application receipt validated on or before the "close of registration" for the election at hand. *As a precondition to voting, the elector must complete and submit a new voter registration application.*

If the elector is unable to produce a validated voter registration application receipt, Michigan election law provides that the elector can vote if he or she:

- 1.) has never participated in an election since registering to vote in his or her current city or township of residence;
- 2.) signs an affidavit affirming that he or she submitted a voter registration application through a Secretary of State branch office, a designated voter registration agency, the county clerk or the mail on or before the "close of registration" for the election at hand;
- 3.) provides identification to confirm his or her identity and residence; and
- 4.) completes and submits a new voter registration application.

Two important points merit emphasis: 1.) a voter who is issued a ballot under the affidavit procedure must vote a “challenged” ballot and 2.) the election inspector handling the procedure must contact your office to confirm that the voter is not registered to vote in any other precinct in the jurisdiction before issuing a ballot to the voter.

A voter registration application form submitted under the above procedure must be forwarded to your office immediately after the election.

A voter identification card *cannot* be accepted as proof of a voter’s eligibility to vote. If an elector whose voter registration record cannot be located claims to have participated in previous elections conducted in the jurisdiction, the elector’s registration status must be verified before the elector is permitted to vote.

Attachments

The following materials are provided below for your use and reference:

- A petition signature requirement chart.
- A Supplementary Affidavit of Identity form.
- A Post-Election Campaign Finance Compliance Statement form.
- A Declaration of Intent form.
- A summary of the state laws which govern absentee voting and the handling of absent voter ballots.

Assistance Available

If you have questions on the administration of elections in your city, please feel free to contact the Michigan Department of State, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901. Phone: (517) 373-2540.

cc: County Clerks

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

January 10, 2003

PETITION SIGNATURE REQUIREMENT CHART

The following "population based" signature requirements apply to all state offices, judicial offices, county offices (including county commissioner), township offices (including offices elected in charter townships), city offices (unless otherwise set by charter) and village offices (unless otherwise set by charter). See notes following chart for information on petition signature requirements established for candidates who seek school board positions; intermediate school board positions; community college trustee positions; district library board positions; and city, township and village library board positions.

	Partisan Petition		Non Partisan Petition		Qualifying Petition	
Population of Office District According to Most Recent Federal Census	Min	Max	Min	Max	Min	Max
0 - 9,999	3	10	6	20	9	30
10,000 - 24,999	20	50	40	100	60	150
25,000 - 49,999	50	100	100	200	150	300
50,000 - 74,999	100	200	200	400	300	600
75,000 - 99,999	200	400	400	800	600	1,200
100,000 - 199,999	300	500	600	1,000	900	1,500
200,000 - 499,999	500	1,000	1,000	2,000	1,500	3,000
500,000 - 999,999	1,000	2,000	2,000	4,000	3,000	6,000
1,000,000 - 1,999,999	2,000	4,000	4,000	8,000	6,000	12,000
2,000,000 - 4,999,999	4,000	8,000	6,200	12,000	12,000	24,000
Over 5 million (statewide)	15,000	30,000	30,000	60,000	30,000	60,000

Additional Petition Signature Requirements and Notes on Requirements

- 1.) ***State Senate, State House and county level positions:*** A candidate who is affiliated with a political party that will appear on the primary ballot who seeks the office of State Senator or State Representative or who seeks a county office may file a \$100.00 fee in lieu of a nominating petition. The filing fee is refunded if the candidate receives nomination to the office or places second in the race.
- 2.) ***Judicial positions:*** A judicial officer who is running for reelection to the office he or she holds may file an Affidavit of Candidacy in lieu of a nominating petition.
- 3.) ***Statewide positions:*** In addition to containing the requisite number of valid signatures; a nominating petition filed for the office of Governor or U.S. Senator must be signed by at least 100 registered electors in each of at least ½ of the congressional districts in the state.

In addition to containing the requisite number of valid signatures, a qualifying petition filed for the office of U.S. President, U.S. Senator, Governor, Secretary of State, Attorney General, State Board of Education, University of Michigan Regent, Michigan State University Trustee, Wayne State University Governor or Supreme Court Justice must be signed by at least 100 registered electors in each of at least ½ of the congressional districts in the state.

- 4.) ***County commissioner positions:*** PA 158 of 2002 amended MCL 46.411 to shift the petition signature requirements imposed on candidates who seek the office of county commissioner to the “population based” signature requirement listed in the above chart. Candidates seeking the office of county commissioner may file a \$100.00 fee in lieu of a petition. The filing fee is refunded if the candidate receives nomination to the office or places second in the race. The petition signature requirement change went into effect on January 1, 2003.
- 5.) ***School board/intermediate school board positions:*** PA 385 of 2002 amended the School Code to 1.) modify the signature requirements imposed on candidates seeking school board positions and 2.) permit candidates seeking school board positions the option of filing a \$100.00 *nonrefundable* fee in lieu of a petition. The new filing requirements, listed below, go into effect *January 1, 2003*.
 - ***School district with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - ***School district with 10,000 or more in population according to the most recent federal census:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - ***Intermediate school district with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - ***Intermediate school district with 10,000 or more in population according to the most recent federal census:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 6.) ***Community college trustee positions:*** In a community college district organized by an intermediate school district of over 1.5 million, the minimum number of valid signatures required is 250. A candidate may not file more than 500 signatures to cover the requirement. (MCL 389.83) In all other community college

districts, the minimum number of valid signatures required is 50. A candidate may not file more than 200 signatures to cover the requirement. (MCL 389.152)

- 7.) ***District library board positions:*** PA 387 of 2002 amended the District Library Law to 1.) modify the signature requirements imposed on candidates seeking a district library board position and 2.) permit candidates seeking district library board positions the option of filing a \$100.00 *nonrefundable* fee in lieu of a petition. The new filing requirements, listed below, went into effect on January 1, 2003:
- ***District with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - ***District with 10,000 or more in population according to the most recent federal census:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 8.) ***City, township and village library board positions:*** PA 160 of 2002 amended MCL 397.211 to 1.) modify the signature requirements imposed on candidates seeking a city, township or village library board position and 2.) permit candidates seeking city, township or village library board position the option of filing a \$100.00 *nonrefundable* fee in lieu of a petition. The new filing requirements, listed below, went into effect on January 1, 2003:
- ***Cities, townships and villages with less than 10,000 in population:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - ***Cities, townships and villages with 10,000 or more in population:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 9.) ***Qualifying petitions:*** All signatures submitted on a qualifying petition must have been collected within the preceding 180 day period; signatures which are dated more than 180 days prior to the date of the petition is filed are invalid.

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

**-- Campaign Finance Act Compliance Statement --
SUPPLEMENTARY AFFIDAVIT OF IDENTITY**

- This form must be filed by any candidate filing a nominating petition, filing fee or Affidavit of Candidacy for public office on or after March 10, 2000. The form is also required of any candidate nominated for public office by convention or caucus. Exceptions: requirement does not apply to 1.) a U.S. Senate, U.S. House or precinct delegate candidate or 2.) a school board candidate who is exempt from the filing requirements of Michigan's Campaign Finance Act.
- This form must be accompanied by the standard Affidavit of Identity form when submitted. (If the standard Affidavit of Identity form submitted by the candidate contains the campaign finance compliance statement appearing below, the submission of this form is not necessary.)
- This form is designed to ensure compliance with PA 217 of 1999, an amendment to Michigan election law signed on December 28, 1999.

I swear (or affirm) that on this date, all statements, reports, error or omission notice responses, late filing fees and fines required of me or any Candidate Committee organized to support my election to office and registered under Michigan's Campaign Finance Act, PA 388 of 1976, have been filed or paid. I further acknowledge that making a false statement in this affidavit is perjury, punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both.

Signature of Candidate: _____

Printed Name of Candidate: _____

Subscribed and sworn to before me this
_____ day of _____

Name of Notary: _____

County: _____

Commission Expires: _____
(Type, Print or Stamp)

(Signature of Notary Public)

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

-- POST-ELECTION CAMPAIGN FINANCE COMPLIANCE STATEMENT --

- This form must be filed by any candidate assuming a state, county, city, township, village or school office. Exceptions: an elected candidate whose Candidate Committee "did not receive or expend more than \$1,000.00 during the election cycle" is *not* required to submit the affidavit prior to assuming office. In addition, the requirement does not apply to 1.) an individual elected to a U.S. Senate, U.S. House or precinct delegate position 2.) a candidate elected to a public office which is certified on the city, township, village or school level or 3.) an elected school board candidate who is exempt from the filing requirements of Michigan's Campaign Finance Act.
- An elected public official who is required to file a post-election campaign finance compliance statement must submit this form to the appropriate filing official *prior to assuming office*.
- Candidates subject to the filing requirement who were elected to an office certified on the *county level* file this form with the county clerk; candidates subject to the filing requirement who were elected to an office certified on the *state level* file this form with the Michigan Department of State's Bureau of Elections.
- An elected public official subject to the post-election campaign finance compliance statement requirement who fails to file the statement prior to assuming office is guilty of a misdemeanor.

I swear (or affirm) that on this date, all statements, reports, error or omission notice responses, late filing fees and fines required of me or any Candidate Committee organized to support my election to office and registered under Michigan's Campaign Finance Act, PA 388 of 1976, have been filed or paid. I further acknowledge that making a false statement in this affidavit is perjury, punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both.

Signature of Candidate: _____

Printed Name of Candidate: _____

Residential Address: _____

Phone: _____

Office You Will Assume: _____

Subscribed and sworn to before me this
_____ day of _____

Name of Notary: _____

County: _____

Commission Expires: _____

(Type, Print or Stamp)

(Signature of Notary Public)

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

**WRITE-IN CANDIDATE
DECLARATION OF INTENT**

(NAME OF CITY, TOWNSHIP, VILLAGE OR SCHOOL DISTRICT)

As a Write-In Candidate you must file a Declaration of Intent no later than 4:00 p.m. on the Friday immediately preceding the election. You may have additional filing obligations under Campaign Finance Laws (P.A. 388 of 1976). Ask your filing official for information about the Statement of Organization.

Name _____
(Print or Type)

Residence Address _____
(Street Address) (Post Office) (Zip Code)

☐ City or ☐ Township of _____

I am registered and qualified to vote at this address: ☐ Yes ☐ No Birth date ____/____/____

Home Phone (____) _____ Business Phone (____) _____

DATE OF ELECTION: Primary ____/____/____ General ____/____/____

OFFICE SOUGHT: _____

☐ District No. (if any) _____ ☐ Precinct No. (if Precinct Delegate Candidate) _____

☐ Partisan Office -- Party* _____ ☐ Nonpartisan Office
(*NOTE: Required for Partisan Primary Election Only)

TERM: ☐ Regular ☐ To Fill Vacancy - Term Ending _____ ☐ Other _____

JUDICIAL CANDIDATES ONLY:

☐ Incumbent Position - Place a check in this box if you are running for a judicial office for which the incumbent is seeking reelection.

☐ Non-Incumbent Position - Place a check in this box if you are running for a judicial office for which the incumbent is not seeking reelection.

☐ New Judgeship - Place a check in this box if you are running for a newly created judicial seat.

By signing this affidavit, I swear the statements made above are true and do hereby declare my intent to seek the above elective office as a write-in candidate.

SIGNATURE OF WRITE-IN CANDIDATE: _____

Subscribed and sworn to before me this
_____ day of _____, _____

(Signature of Notary)

Name of Notary _____
County _____
Comm. Expires _____
(Type, Print of Stamp)

OFFICE USE ONLY	
OFFICE CODE _____	DATE OF FILING _____ / _____ / _____
CFR I.D. _____	RECEIVED BY _____

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

January 10, 2003

Michigan's Absentee Voting Process
-- Reminders for City and Township Clerks --

Eligibility

- A registered voter is eligible to obtain an absent voter ballot for an upcoming election if he or she: 1.) is 60 years of age or more 2.) is unable to vote without assistance 3.) expects to be absent from his or her city or township of residence for the entire time the polls are open 4.) is in jail awaiting arraignment or trial 5.) has been appointed to work as an election inspector in a precinct outside of his or her precinct of residence or 6.) is unable to attend the polls due to his or her religious beliefs.
- A person who registers to vote by mail must vote *in person* in the first election in which he or she participates. The restriction does not apply to overseas voters, voters who are handicapped or voters who are 60 years of age or older. Voting in person on one governmental level clears the restriction on the other levels. For example, if a voter subject to the restriction votes in person at a school election, the voter would be free to obtain an absentee ballot for the first state election in which he or she wishes to participate.

Application Process

- A voter who wishes to receive an absentee ballot must request it *in writing* from the clerk; absentee ballots may not be delivered as a result of an oral request made in person or over the phone. However, an absent voter ballot *application form* may be provided as a result of an oral request.
- The written request may be on a form supplied by the clerk or other election official, in a letter or on a postcard. The written request must include a statutory reason why the voter is eligible to receive an absentee ballot and the applicant's signature.
- There are no restrictions on the distribution of blank absent voter ballot application forms. An organization is permitted to design and produce its own absent voter ballot application form if it wishes; such forms must include all of the statutorily required elements.
- A city or township clerk may mass mail blank absent voter ballot applications to eligible absentee voters in advance of elections *at his or her discretion*; such mailings are *not* required by law. Mail lists used by clerks to distribute blank absent voter ballots application forms must be equitably compiled.

- Absent voter ballot requests may be submitted anytime after the 75th day preceding the election. (Absent voter ballot requests submitted prior to the 75th day preceding the election may be retained on file for later processing.) A voter who applies for an absent voter ballot for a primary may, at the same time, request an absent voter ballot for the following general election if he or she is eligible to receive an absent voter ballot for both elections. If the ballot must be issued by mail, the application for the ballot must reach the clerk no later than 2:00 p.m. on the Saturday prior to the election. Absent voter ballots can be picked up by the voter *in person* anytime up to 4:00 p.m. on the day prior to the election. A voter who visits his or her clerk's office on the day prior to the election to obtain an absent voter ballot must vote the ballot in the clerk's office; the voter is not permitted to leave the clerk's office with the ballot. (The law also provides for the issuance of "emergency" absent voter ballots on the day of the election. The emergency absentee voting process is explained below.)

Submission of Signed Absent Voter Ballot Requests

- The persons who may be in lawful possession of a *signed* absent voter ballot request are limited to 1.) the applicant 2.) a member of the applicant's immediate family 3.) a person residing in the applicant's household 4.) a person whose job normally includes the handling of mail (but only during the course of his or her employment) 5.) a registered elector asked to handle the application by the applicant and 6.) an authorized election official. A registered elector who returns an absentee ballot application at the request of the applicant must sign a certificate printed on the application form for such persons.
- The clerk or other authorized personnel appointed by the clerk must be available in the clerk's office on the Saturday preceding the election until 2:00 p.m. -- the deadline for requesting an absentee ballot which must be mailed.

Issuance of Absentee Ballots

- A request for an absentee ballot should be processed immediately. It is recommended that the ballot be issued within 24 hours of the receipt of the application. Applications should be processed in the order they are received. This will avoid criticism that certain voters are being given preferential treatment. (While absentee ballots must be issued in the same order in which they are requested, an election official is not prohibited from issuing an absentee ballot to a voter applying in person despite the fact that there may be applications on file which have not yet been honored.)
- The signature on the ballot application is checked against the signature on the applicant's voter registration record prior to issuing an absentee ballot to the applicant.
- An absentee voter can receive an absent voter ballot at his or her registration address, at any address outside of his or her jurisdiction of residence or at a hospital, nursing home or similar institution. If hand delivered, the absent voter ballot must be delivered by the clerk or an authorized assistant appointed by the clerk.
- Campaign brochures or any other type of unauthorized materials may *not* be distributed with absentee ballots.

Return of Absentee Ballots

- Absentee ballots must be returned to the clerk by 8:00 p.m. on election day. The clerk must make arrangements with the post office to pick up any absent voter ballots received after the last delivery is made.
- The persons who may return an absentee ballot are limited to 1.) the voter 2.) a member of the voter's immediate family who has been asked to return the ballot 3.) a person residing in the voter's household who has been asked to return the ballot 4.) a person whose job normally includes the handling of mail (but only during the course of his or her employment) and 5.) an authorized election official. With these restrictions, an absentee voter is *not* permitted to ask another voter who is not a member of the voter's immediate family or household to return his or her absentee ballot.
- An election official is *required* to pick up a voter's absentee ballot if *all* of the following conditions are satisfied: 1.) the election official issued the ballot to the voter 2.) the voter is unable to return the ballot under any of the authorized delivery methods 3.) the voter calls to request the pick up of his or her ballot before 5:00 p.m. on the Friday immediately preceding the election and 4.) it is not necessary for the election official to travel outside of the jurisdiction to obtain the ballot. Under any other circumstances, an election official (or authorized assistant) may pick up a voter's absentee ballot *at the election official's discretion* if 1.) the election official issued the ballot to the voter and 2.) the voter is unable to return the ballot under any of the authorized delivery methods. Election assistants authorized to pick up absentee ballots must carry appropriate credentials and show them when asked.
- A voter returning an absent voter ballot must sign the return envelope supplied by the clerk. An absent voter ballot is not counted unless the voter's signature appears on the envelope and matches the signature appearing on the voter's registration record. If the voter received assistance voting the ballot, the individual who provided the assistance is also required to sign the return envelope.

Emergency Absentee Ballot Requests

- An elector may make an "emergency" request for an absentee ballot if he or she cannot attend the polls because of 1.) personal disablement or 2.) a family death or illness which will require that the elector leave the community for the entire time the polls are open on election day. "Emergency" requests for absentee ballots must be made after the deadline for making "regular" requests for absentee ballots (2:00 p.m. on the Saturday before the election) and before 4:00 p.m. on election day. The emergency must have occurred at a time which made it impossible for the voter to apply for an absentee ballot by the statutory deadline for "regular" applications. If an "emergency" absentee ballot is requested, the person making the application may authorize the person delivering the application to pick up and deliver the ballot. The authorization to pick up and deliver the ballot must be in writing and must be signed by the applicant. An "emergency" absentee ballot may also be delivered by hand to the applicant by a person authorized to handle this task.

Penalties

- Michigan election law specifies that 1.) a person who forges a signature on an absentee ballot application is guilty of a felony 2.) an individual “who is not authorized in this act and who both distributes absentee ballot applications to absent voters and returns those absentee ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor” and 3.) a person, other than an authorized election official, who gives, lends or promises any valuable consideration to or for a person to induce that person to both distribute absentee ballot applications and receive signed absent voter ballot applications from voters for delivery to the clerk is guilty of a misdemeanor.
- Michigan election law further specifies that 1.) a person in illegal possession of an absentee ballot (voted or unvoted) is guilty of a felony 2.) an unauthorized person who returns, solicits to return or agrees to return an absentee ballot is guilty of a felony 3.) a person who assists an absentee voter who falsifies the statement which must be signed by such assistants is guilty of a felony and 4.) a person who plans or organizes a meeting at which absentee ballots are to be voted is guilty of a felony.